

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECTRA COMMUNICATIONS AB,

Plaintiff,

v.

ABSOLUTE SOFTWARE, INC. and
NETMOTION SOFTWARE, INC.,
Defendants.

Case No. 2:22-cv-0353-RSM

**STIPULATION AND ORDER
REGARDING NOTING DATE AND
BRIEFING FOR DEFENDANT
NETMOTION SOFTWARE, INC.'S
MOTION FOR LEAVE TO AMEND
COUNTERCLAIM DEADLINES**

NOTE ON MOTION CALENDAR:

NOVEMBER 30, 2022

**STIPULATION RE BRIEFING AND NOTING
DATE OF MOTION FOR LEAVE TO
AMEND** Case No. 2:22-cv-0353-RSM

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1 The parties to the above-captioned action (the “Parties”), submit the below stipulation
 2 pursuant to Local Civil Rule 7(*l*) for review and approval by the Court:

3 **WHEREAS**, the Parties have engaged in good-faith meet-and-confer discussions
 4 regarding jurisdictional discovery in connection with Defendant NetMotion Software Inc.’s
 5 (“NetMotion”) Motion for Leave to Amend Counterclaim (Dkt. No. 99) (the “Motion for
 6 Leave”) and the case contentions and claim construction deadlines, and have reached mutual
 7 agreement that certain adjustments to the case schedule are necessary to support both any
 8 required jurisdictional discovery and the effects of any discovery upon the issues in suit, and the
 9 Parties agree that the following modifications will best accomplish these goals;

10 **WHEREAS**, Plaintiff Sectra Communications AB (“Sectra”) filed a declaration from
 11 Sectra Inc. employee Tobias Englund in support of Sectra’s opposition to the Motion for Leave
 12 (Dkt. No. 102-1);

13 **WHEREAS**, Sectra has agreed to make its declarant Tobias Englund available for
 14 deposition should the Court grant NetMotion’s requested jurisdictional discovery;

15 **WHEREAS**, NetMotion has filed a Motion in the Alternative to Seek Jurisdictional
 16 Discovery (Dkt. No. 109) (the “Motion for Jurisdictional Discovery”), which Sectra has opposed
 17 (Dkt. No. 113);

18 **WHEREAS**, with the filing of NetMotion’s Reply (Dkt. No. 117), NetMotion’s Motion
 19 for Jurisdictional Discovery is fully briefed, with a noting date of October 7, 2022; however, the
 20 Court has yet to rule on the motion for jurisdictional discovery, and the Parties learned from the
 21 courtroom deputy that although the motion is on Judge Martinez’s motion calendar, the Court
 22 has not yet ruled in part because of an ongoing criminal jury trial set through at least December
 23 2, 2022, and the courtroom deputy could not give any timeline for an order on the pending
 24 motion;

25 **WHEREAS**, jurisdictional discovery, if allowed, may impact the deposition of Mr.
 26 Englund;

1 **WHEREAS**, Mr. Englund's deposition, and jurisdictional discovery if allowed, may be
2 relevant to NetMotion's pending Motion for Leave;

3 **WHEREAS**, to address any relevance of jurisdictional discovery and any Englund
4 deposition on NetMotion's Motion for Leave, the Parties have agreed that the deadline for
5 NetMotion's supplemental reply brief in support of the Motion for Leave should be extended
6 further from December 5, 2022 (Dkt. No. 121) to January 9, 2023, and the deadline for Sectra's
7 sur-reply brief in opposition to the Motion for Leave should be extended further from December
8 9, 2022 (Dkt. No. 121) to January 17, 2023; and

9 **WHEREAS**, to allow additional time for the Court to consider NetMotion's Motion for
10 Jurisdictional Discovery before scheduling any deposition of Mr. Englund, the Parties agree that
11 the Noting Date on NetMotion's Motion for Leave should be extended from December 9, 2022
12 (Dkt. No. 121) to January 17, 2023.

13 **THEREFORE**, the Parties hereby **STIPULATE** that the noting date on Defendant
14 NetMotion Software Inc.'s motion for leave to amend be extended to January 17, 2023; that the
15 deadline for NetMotion's supplemental reply brief in support of the motion for leave to amend
16 be extended to January 9, 2023; and that the deadline for Sectra's sur-reply brief in opposition to
17 the motion for leave to amend be extended to January 17, 2023;

18 **SO STIPULATED.**

19 DATED this 30th day of November, 2022
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Respectfully submitted,

COOLEY LLP

/s/ Christopher B. Durbin

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IT IS SO ORDERED.

DATED this 1st day of December, 2022.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE